

IFW

P A T E N T

Attorney Docket No.

033035 M 146



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Tsukuru KATSUYAMA, et al.

U.S. Serial No.: 10/822,142

Filed: April 12, 2004

) **CONFIRMATION NO.: 1160**

) Group Art Unit: 2828

) Examiner: Dung T. Nguyen

For: SEMICONDUCTOR SURFACE EMITTING DEVICE

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir :

A response to the Office Action mailed July 7, 2006 is due by August 7, 2006. The Action required election among the following:

Species I, of claims 1-10, 12, 15-29, 31, and 34-37, directed to (AlGa)InP;

Species II, of claims 1-9, 11-12, 15-28, 30-31, and 34-37, directed to AlGaAs; and

Species III, of claims 1-9, 12-28, and 31-37, directed to "not containing Al."

Applicants hereby elect Species III, which corresponds to claims 1-9, 12-28, and 31-37, directed to "not containing Al," for examination in this application.

Applicants reserve the right to file divisional application(s) for any non-elected claims in due course.

It is submitted that this application now is in condition for examination on the merits and early action in that regard is solicited.

Respectfully submitted,

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